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Paper No. 11

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**COPY MAILED**

In re Application of  
Muramatsu, *et al.*  
Application No. 10/022,434  
Filed: December 20, 2001  
Attorney Docket No. 10235/12

DECISION ON  
PETITION  
JUL 18 2002  
OFFICE OF PETITIONS

This is a decision on the March 28, 2002 petition requesting that the above-identified application be accepted as having been received in its entirety, including figure 5, on December 20, 2001.

The United States Patent and Trademark Office (hereinafter "USPTO") received this application on December 20, 2001. However, on January 28, 2002, the Office of Initial Patent Examination (hereinafter "OIPE") mailed a "Notice to File Missing Parts of Nonprovisional Application" (hereinafter "notice") noting that although the application had been granted a filing date, figure 5 as described in the specification was missing.<sup>1</sup> The notice further stated that the filing date would be the date of receipt of the missing figure unless a petition was filed that successfully showed that the missing item(s) had been included with the application. The notice further stated that if no action were taken within two months, then the application would retain its December 20, 2001 filing date and would be processed without the referenced figure.

Petitioner responded with the March 28, 2002 filing of this petition. The petition argues that the allegedly missing figure was, in fact, present upon the filing of the application on December 20, 2001. This argument is supported by a copy of the postcard return receipt, indicating patent office receipt of all sheets of drawings with the rest of the application on December 20, 2001.

Accordingly, *this petition is granted.*

The \$130.00 petition fee paid for this petition is unnecessary. A refund will be credited to Petitioner's deposit account (da#11-0600).

The application is being returned to OIPE for further processing with a filing date of December 20, 2001 using the substitute drawings supplied with this petition.

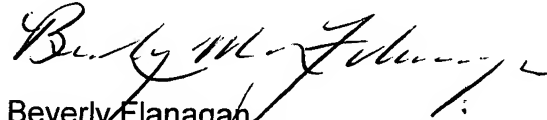
Receipt of a declaration is also acknowledged, and OIPE will process same.

<sup>1</sup> The notice also noted that the required oath or declaration was missing, and that new drawings were required because the ones supplied with the application did not have the appropriate margins. Finally, the notice stated that a copy of the sequence listing in computer readable format had not been submitted.

*In re Application of Muramatsu, et al.*  
Application No. 10/022,434  
Page 2

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Any questions regarding this decision should be directed to Attorney Scott M. Ledford at (703) 306-5593.



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